

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4 Civil Action No. 1:17-cv-02989-AT

5 DONNA CURLING, et al.,
6 Plaintiffs,
7 vs.
8 BRAD RAFFENSPERGER, et al.
9 Defendants.

10
11
12 VIDEOTAPED DEPOSITION OF
13 CATHLEEN LATHAM

14
15 August 8, 2022
16 10:15 a.m.

17
18 Warner Robins, Georgia

19
20
21 Laura M. MacKay, RPR, CCR-B-1736
22 (Appearing remotely)
23
24
25

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1 court reporter will swear in the witness.

2 MR. CHEELEY: This is Bob Cheeley,
3 counsel for Cathy Latham. And I would object
4 to Fulton County being on this call. They're
5 not a party to the case.

6 MR. CROSS: They are. They're a
7 defendant.

8 MR. CHEELEY: Okay. I didn't realize
9 that.

10 MR. CROSS: And like I said, Bob, I
11 don't -- this is David Cross by the way. I
12 don't know if you can see me. I don't see
13 their counsel on here anyways, but they are a
14 party.

15 Laura, you want to swear the witness.

16 THE COURT REPORTER: Sure.

17 CATHLEEN LATHAM,
18 having been duly sworn, was examined and testified
19 as follows:

20 EXAMINATION

21 BY MR. CROSS:

22 Q. Good morning, Mrs. Latham.

23 A. Good morning.

24 Q. Have you been deposed before?

25 A. No, sir.

1 Do you have any questions about the
2 process?

3 A. No.

4 Q. Okay. And you understand you are under
5 oath today?

6 A. Yes.

7 Q. And do you understand that's the same oath
8 you would take if you were testifying live in a
9 courtroom?

10 A. Yes.

11 Q. Can you state your full name for the
12 record.

13 A. Cathleen Latham.

14 Q. And do you have a middle name or a first
15 name?

16 A. Just my maiden name.

17 Q. And what is that?

18 A. Alston.

19 Q. Where do you currently reside?

20 A. Texas.

21 Q. What's your address there?

22 A. I'm not giving it. It's brand new and
23 Marilyn Marks has sent people to my house to
24 intimidate me and interview me and stuff, and I
25 prefer not to be harassed. I will give my Georgia

1 sometimes referred to as Misty Hayes?

2 A. Fifth Amendment.

3 Q. Have you ever spoken with Misty Hampton?

4 A. Fifth Amendment.

5 Q. Are you aware that Missy Hampton previously
6 served as the Coffee County election supervisor?

7 A. Fifth Amendment.

8 Q. There's literally nothing you can tell me
9 about any communication you ever had with
10 Ms. Hampton that you don't believe would incriminate
11 you; is that right?

12 A. Fifth Amendment.

13 Q. Did you ever visit the election office in
14 Coffee County?

15 A. Fifth Amendment.

16 Q. Were you ever physically inside the
17 election office at Coffee County?

18 A. Fifth Amendment.

19 Q. Were you ever inside the election office at
20 Coffee County when Misty Hampton was the election
21 supervisor?

22 A. Fifth Amendment.

23 Q. Are you familiar with the election
24 management system server that each county in Georgia
25 has to manage the Dominion voting system?

1 A. Fifth Amendment.

2 Q. Are you aware that in Coffee County there
3 is a room in the election's office where their EMS
4 server is located?

5 A. Fifth Amendment.

6 Q. Are you aware in that room there's also a
7 central scanner and a computer called the ICC?

8 A. Fifth Amendment.

9 Q. Were you ever at any point in the Coffee
10 County room where the EMS server and ICC are housed?

11 A. Fifth Amendment.

12 Q. Did you yourself ever access the EMS server
13 in Coffee County?

14 A. Fifth Amendment.

15 Q. Did you ever touch the server?

16 A. Fifth Amendment.

17 Q. Did you ever see the server?

18 A. Fifth Amendment.

19 Q. Did you ever access the ICC in Coffee
20 County?

21 A. Fifth Amendment.

22 Q. Did you ever touch it?

23 A. Fifth Amendment.

24 Q. Did you ever see it?

25 A. Fifth Amendment.

1 MR. CHEELEY: Thank you.

2 BY MR. CROSS:

3 Q. Are you familiar with Paul Maggio?

4 A. Fifth Amendment.

5 Q. Have you ever spoken with him?

6 A. Fifth Amendment.

7 Q. Have you ever communicated with him at all?

8 A. Fifth Amendment.

9 Q. Are you aware of a team that included Paul
10 Maggio traveling to Coffee County on or around
11 January 7th of 2021 to access Coffee County's
12 election equipment?

13 A. Fifth Amendment.

14 Q. Are you aware of that team accessing the
15 EMS server in Coffee County at that time?

16 A. Fifth Amendment.

17 Q. Have you ever discussed those circumstances
18 with Anthony Rowell?

19 A. Fifth Amendment.

20 Q. Have you ever discussed those circumstances
21 with Eric Chaney?

22 A. Fifth Amendment.

23 Q. Do you know Eric Chaney?

24 A. Fifth Amendment.

25 Q. Have you ever had any communications with

1 County's election equipment in January of 2020?

2 A. Fifth Amendment.

3 Q. Do you believe disclosing any information
4 at all about those circumstances may incriminate
5 you?

6 A. Fifth Amendment.

7 Q. Do you believe you have committed any
8 crime?

9 A. Fifth Amendment.

10 Q. Did Misty Hampton authorize Paul Maggio or
11 anyone else to access Coffee County's election
12 equipment on or around January 7th of 2020?

13 A. Fifth Amendment.

14 Q. Did Eric Chaney authorize that?

15 A. Fifth Amendment.

16 Q. Did anyone on the Coffee County board --
17 election board authorize that?

18 A. Fifth Amendment.

19 Q. Do you know if anyone on the Coffee County
20 election board was aware that that was happening?

21 A. Fifth Amendment.

22 Q. Are you aware that Eric Chaney did in fact
23 know that it was happening?

24 A. Fifth Amendment.

25 Q. Do you know what, if anything, the

1 individuals who accessed the Coffee County election
2 equipment on or around January 7, 2021, what, if
3 anything, they took with them from that office?

4 A. Fifth Amendment.

5 Q. Do you know whether they copied software
6 from any of the election equipment in that office?

7 A. Fifth Amendment.

8 Q. Do you know what devices they physically
9 connected to Coffee County's EMS server at that
10 time?

11 A. Fifth Amendment.

12 Q. Do you know what equipment they physically
13 connected to the ICC in Coffee County January 7 of
14 2020?

15 A. Fifth Amendment.

16 Q. Do you know whether they took a forensic
17 image of any of the voting equipment in Coffee
18 County?

19 A. Fifth Amendment.

20 Q. Did they access any of the BMDs at that
21 time in Georgia in Coffee County?

22 A. Fifth Amendment.

23 Q. Did they access any of the poll packs in
24 Coffee County at that time?

25 A. Fifth Amendment.

1 Q. Did they access any of the flash drives
2 that are used with the voting equipment at that time
3 in Coffee County?

4 A. Fifth Amendment.

5 Q. Did they access any computers or other
6 electronic devices in the office at that time?

7 A. Fifth Amendment.

8 Q. Did they copy any data from any of the
9 voting equipment or other devices in the Coffee
10 County elections office on or around January 7 of
11 2021?

12 A. Fifth Amendment.

13 Q. Mrs. Latham?

14 A. Yes, sir.

15 Q. What are you looking at on your phone?

16 A. My friend just sent me a text, I was just
17 answering her. I didn't answer her. She was
18 telling me she ate her kolache.

19 Q. Is it about this deposition?

20 A. No, sir. Would you like to see?

21 Q. Sure.

22 A. "I just ate my sausage kolache and they
23 were good."

24 Q. All right. Great.

25 Just to keep things simple, let's not

1 MR. CHEELEY: You can keep them.

2 THE WITNESS: Oh, good. I'll add it to
3 my collection.

4 BY MR. CROSS:

5 Q. The representation that Mr. Cheeley just
6 made, Ms. Latham, did you authorize him to make that
7 representation?

8 MR. CHEELEY: Attorney-client privilege.

9 BY MR. CROSS:

10 Q. Let me hand you what's going to be marked
11 as Exhibit 3.

12 The table is big. Thanks, Ms. Latham.

13 (Exhibit 3 marked.)

14 BY MR. CROSS:

15 Q. Let me ask you, Mrs. Latham -- Ms. Latham,
16 have you ever seen Exhibit 3 before?

17 A. Fifth Amendment.

18 Q. Do you recognize this as a screen shot from
19 the video that Misty Hampton put up online where she
20 was in the elections office of Coffee County?

21 A. Fifth Amendment.

22 Q. Do you recognize the Post-it note there on
23 her computer screen in Exhibit 3 as containing
24 the -- what was supposed to be a confidential
25 password to the Coffee County EMS server in or

1 around December of 2021 sorry -- 2020?

2 A. Fifth Amendment.

3 Q. Is there anything at all you can tell me
4 about Exhibit 3?

5 A. Fifth Amendment.

6 Q. Do you know whether the password on the
7 Coffee County EMS server was changed at some point
8 after this video came out in 2020?

9 A. Fifth Amendment.

10 Q. Do you know why the EMS password in Coffee
11 County stopped working in 2021?

12 A. Fifth Amendment.

13 Q. Do you know that when James Barnes came in
14 to replace Misty Hampton as the elections supervisor
15 in Coffee County, he could not get the password to
16 work for the EMS server?

17 A. Fifth Amendment.

18 Q. Did you ever discuss that with Mr. Barnes?

19 A. Fifth Amendment.

20 Q. Did you ever discuss that with any member
21 of the Coffee County election board?

22 A. Fifth Amendment.

23 Q. Did you ever discuss that with anyone at
24 all?

25 A. Fifth Amendment.

1 record at 12:09 p.m.

2 BY MR. CROSS:

3 Q. Mrs. Latham, do you understand you're still
4 under oath?

5 A. Yes, sir.

6 Q. You were in Washington DC on or around
7 December 17 of 2020, correct?

8 A. I don't remember what days I went.

9 Q. Do you recall being in DC in December of
10 2020, right?

11 A. Yes.

12 Q. And you spent some time at the Willard
13 Hotel while you were there?

14 A. That's where I slept, yes.

15 Q. And your attorney Preston Haliburton was
16 there with you, correct?

17 A. No. Not at the Willard.

18 Q. Mr. Haliburton was never at the Willard in
19 December of 2020 with you?

20 A. No, sir. Not that I can recall, no.

21 Q. But you're aware that there was a war room
22 set up at the Willard Hotel in December of 2020 by
23 individuals associated with the Trump campaign to
24 look for evidence of election fraud; is that right?

25 MR. CHEELEY: Counsel, I have an e-mail

1 MR. CHEELEY: No, she won't.

2 MR. CROSS: We'll deal with that later.

3 BY MR. CROSS:

4 Q. Ms. Latham, my question to you is, you were
5 aware that there was a war room set up by
6 individuals associated with the Trump campaign at
7 the Willard Hotel purportedly looking for election
8 fraud, right?

9 A. Fifth Amendment.

10 Q. Were you ever in that war room?

11 A. Fifth Amendment.

12 Q. What IT individuals did you meet with while
13 you were in DC in December of 2020?

14 A. Fifth Amendment.

15 Q. Do you remember telling Marilyn Marks on
16 December 17, 2020, that you were in DC meeting with
17 IT?

18 A. Fifth Amendment.

19 Q. Who were those individuals you were meeting
20 with at that time?

21 A. Fifth Amendment.

22 Q. So you were in DC staying at the Willard
23 Hotel on or around December 17, 2020, the same day
24 that one of the two executive order -- draft
25 executive orders was drafted and you're saying today

1 that you can't tell us anything about your
2 involvement with that; is that right?

3 A. Fifth Amendment.

4 Q. Who else was with you in DC in December of
5 2020?

6 A. Fifth Amendment.

7 Q. Bill Ligon was there, right?

8 A. Who?

9 Q. L-I-G-O-N. Is it Ligon, Ligon
10 [pronouncing], Bill Ligon?

11 A. Fifth Amendment.

12 Q. Ms. Latham -- Mrs. Latham, are you or have
13 you been under investigation by any federal or state
14 authorities?

15 A. Fifth Amendment.

16 Q. Are you being or have you been called to
17 testify in any federal or state grand jury
18 proceeding?

19 A. Yes, that's why I'm claiming my Fifth
20 Amendment.

21 Q. What is that proceeding?

22 A. Fifth Amendment.

23 Q. How does that proceeding relate to this
24 case?

25 A. Fifth Amendment.

1 THE VIDEOGRAPHER: It's Mary Kaiser.

2 MR. CROSS: She's with us. She's one of
3 my colleagues.

4 THE WITNESS: Okay.

5 BY MR. CROSS:

6 Q. All right. So the morning of January 7,
7 2021, you learned from Scott Hall that there was a
8 team of five people heading from Atlanta to Coffee
9 County?

10 A. I just said, "Team left Atlanta" -- I'm
11 telling you what's there. It was a very brief
12 message.

13 Q. But you sent that on to Ms. Hampton because
14 you understood that team was going to meet with her?

15 A. I'm assuming. At this point I don't know.

16 Q. And you understood that Scott Hall was
17 separately flying in to Coffee County, right?

18 A. It just said, I am flying in or whatever,
19 whatever he would have said. So I just said, Scott
20 is flying in.

21 Q. Okay.

22 A. I just assumed it was all one plane -- I
23 don't know -- that he was coming.

24 Q. Well, tell me everything you know about the
25 individuals who traveled from Atlanta to Coffee

1 County on the morning of January 7, 2021, with
2 respect to these text messages.

3 A. All I know is that there was a guy named
4 Paul Maggio and Scott was flying in.

5 Q. To see Misty Hampton?

6 A. They were coming in to Coffee County, yeah.
7 That's all I know.

8 Q. But to the elections office to see Misty
9 Hampton?

10 A. I don't know. I just let her know.

11 Q. Well, you let me her know because you
12 thought they were going to see her, right?

13 A. I was sent an e-mail that said, "Let Misty
14 know."

15 Q. And then she responds "Yay" with four
16 exclamation points. Do you see that?

17 A. Yep, I see that.

18 Q. And then she asks you, "What is Scott's
19 last name?"

20 A. I said, "Hall."

21 Q. Right. You responded "Hall." And then she
22 writes: "Is someone coming at 10 to vote review
23 panel?" Do you see that?

24 A. Yes.

25 Q. What was that about?

1 Do you see that?

2 A. Uh-huh.

3 Q. What was that about?

4 A. Voter review panel I'm assuming.

5 Q. All right. Turn to page 3 in Exhibit 6.

6 Yeah, there you go.

7 So if you look at the top you'll see we
8 pick up with that other text left off --

9 A. Uh-huh.

10 Q. -- "How is it today? Finished?"

11 Ms. Hampton writes --

12 A. Thank you. I was wondering where the rest
13 of that was.

14 Q. Yeah, sorry. It kind of got out of order.

15 A. Yeah.

16 Q. And Ms. Hampton writes: "All were very
17 simple." Do you see that?

18 A. That was the voter review panel.

19 Q. Right.

20 A. Yes.

21 Q. And then you write still the morning of
22 January 7: "Good. Scott has landed and the rest of
23 team is almost at Douglas."

24 A. Yep. Because I got another e-mail message,
25 so I just copied it and copied the concept of the

1 message.

2 Q. Well, this one you didn't copy and paste.

3 You put in your own words?

4 A. Right, I put in -- that's what I said. I
5 copied the gist of the message, yeah.

6 Q. And so why was Mr. Hall communicating with
7 you about this instead of Ms. Hampton?

8 A. I don't know.

9 Q. You didn't ask him?

10 A. It was just -- I got an e-mail, so I just
11 sent it on to her. And I don't know what time that
12 was.

13 Q. When you say --

14 A. But it I will look. It looks like it was
15 almost after school, so... Or maybe. I don't know.

16 Q. And when you say "...the rest of the team
17 is almost in Douglas," who is the rest of the team?

18 A. I told you what his e-mail said.

19 Q. So Paul Maggio and four others?

20 A. It said the -- I remember him saying, "I've
21 landed, rest of team is almost to Douglas." I don't
22 know.

23 Q. But so you understood that Scott Hall flew
24 in and the rest of the team was traveling from

25 Atlanta --

1 A. Yes.

2 Q. -- by car?

3 A. I don't know.

4 Q. And then she writes back: "Okay. The
5 Democratic man is still here." Do you see that?

6 A. Yes.

7 Q. Who was that?

8 A. I have no idea. I thought she meant
9 Dominion. I don't know.

10 Q. And then January 7, still the same day
11 3:40 p.m. she writes: "Going great so far." Do you
12 see that?

13 A. Yes.

14 Q. And that was about the work that Mr. Hall
15 and Mr. Maggio were doing; is that right?

16 A. I am assuming. I don't know.

17 Q. But as you sit here, your best recollection
18 of what that was was her giving an update on what
19 Mr. Hall and Mr. Maggio were doing in the election
20 office?

21 A. I don't know.

22 Q. And you didn't ask her?

23 A. No, but I went after 4:00 to go check on
24 the voter review panel because oftentimes they need
25 somebody to sign off and look at the things. So I

1 didn't respond because I was probably on my way
2 there.

3 Q. To the elections office?

4 A. Yeah. I went up there, went and checked to
5 make sure they didn't need my signature, and then I
6 went across the street and had early dinner with my
7 husband.

8 Q. So you were in the elections office on
9 January 7?

10 A. I walked into the front part. I didn't go
11 into the office.

12 Q. Who did you see in the Coffee County
13 elections building on January 7, 2021?

14 A. There were people in there, and I get
15 uncomfortable when there's others. You know what I
16 mean? So I just went in there, asked if they needed
17 me to do any voter review panel.

18 Q. When you say "there were people in there,"
19 people where?

20 A. In -- outside of the -- inside the glass
21 room because I was outside.

22 Q. So January 7, 2021, sometime in the
23 afternoon or early evening, you arrive at the Coffee
24 County elections office, you see individuals in that
25 room where the ICC and the EMS server are?

1 immediately before.

2 A. Yeah.

3 Q. Do you see that? Is that right?

4 A. Yeah.

5 Q. Okay. And so then it jumps from January 7
6 to January 10th, and you write, "Hey, did you-all
7 finish with the scanner?" Do you see that?

8 A. Uh-huh.

9 Q. "Yes"?

10 A. Yes, sorry.

11 Q. Finish doing what with the scanner?

12 A. They were scanning those ballots.

13 Q. What ballots?

14 A. January 5th, which is what I assumed
15 from -- because I had forgotten why -- what I had
16 talked to Scott about, and he was there to scan
17 ballots.

18 Q. I see. I understand.

19 A. Yeah.

20 Q. So the -- when you were asking her on
21 January 10th if they were finished with the scanner,
22 you were asking if they were done scanning the
23 ballots that Scott Hall had come to --

24 A. No. I was asking was she finished with the
25 scanner.

1 Q. Finished using the scanner?

2 A. Yeah.

3 Q. To scan the ballots?

4 A. Uh-huh.

5 Q. Which is what you had -- you had talked to
6 Scott Hall about?

7 A. Over here. But I hadn't talked to Scott
8 Hall. I was just asking her if she was finished
9 with the scanner.

10 Q. Right. But this is three days later --
11 four days later after you had spoken to Scott Hall
12 about scanning ballots?

13 A. Uh-huh.

14 Q. "Yes"?

15 A. Yes.

16 Q. Okay. And why were you wondering four days
17 later if they were done with the scanner?

18 A. Because the scanner had been borrowed. I
19 was just wondering if they were finished with the
20 scanner.

21 Q. Okay. And when you say the scanner was
22 borrowed, what do you mean?

23 A. She had borrowed a scanner. I was just
24 being nosey, did you finish with the scanner.

25 Q. I'm sorry, who is "she"?

1 A. Misty. This is who we're talking with.

2 Q. Okay. Where had she borrowed a scanner
3 from?

4 A. I'm going to plead the Fifth on that.

5 Q. Okay. Did she -- so she -- sorry. Strike
6 that.

7 Misty Hampton had borrowed a scanner so
8 that Scott Hall and others could scan ballots; is
9 that what I understand?

10 A. That's what I understand, yes.

11 Q. Okay. And you're uncomfortable telling me
12 where she got the scanner from?

13 A. Yeah, because just -- I don't know where
14 everything went, and I'm not going to pull anybody
15 in to something, so...

16 Q. Well, hold on. I just want to be -- I
17 want --

18 A. I mean, I just know a scanner had to be
19 borrowed and I was curious was they finished with
20 the scanner. I was just asking.

21 Q. I understand, but there's -- and your
22 attorney can advise you on this, but there are two
23 different things between invoking the Fifth because
24 you are worried about self-incrimination versus not
25 wanting to share information.

1 And so what I'm asking you is, are you
2 saying that you're invoking the Fifth on the
3 question of whether -- of where the borrowed scanner
4 came from because you're concerned with
5 self-incrimination or you just don't want to share
6 information?

7 A. I really don't know where the scanner came
8 from. I know they borrowed a scanner.

9 Q. Okay.

10 A. Okay.

11 Q. That's fine.

12 How do you know they borrowed -- "they"
13 being Misty Hampton and Scott Hall and the others,
14 how do you know they borrowed a scanner?

15 A. Because something was said about borrowing
16 a scanner.

17 Q. Said by whom?

18 A. Misty.

19 Q. On a phone call or where?

20 A. I don't know. I really don't know.

21 Q. Was that before or after --

22 A. Oh, excuse me.

23 Q. Was that before or after --

24 A. I'm sorry, whoever listened to that.

25 Q. This conversation where you heard they had

1 with Misty Hampton to scan ballots, right?

2 A. Just from that text, yes.

3 Q. And coming back to that text, this refers
4 to the general election, but your understanding he's
5 talking about the general election for the runoff or
6 is he talking about the general election from
7 November 2020?

8 A. What just happened, the January 5th.

9 Q. Well, that was a special runoff election?

10 A. Yes.

11 Q. Okay.

12 A. So they hadn't -- I mean, in procedure they
13 hadn't been sealed or anything, so...

14 Q. So it's your understanding he -- well, let
15 me just ask you. Do you know whether Scott Hall and
16 the others who came in in January of 2021 to Coffee
17 County, did they scan ballots from the November 2020
18 election?

19 A. I don't know.

20 Q. You don't know, okay.

21 I'm sorry, I can't remember if I asked you
22 this: We talked earlier you were in DC in December
23 of 2020. I can't remember if I asked you, why were
24 you there?

25 THE WITNESS: Bob?

1 MR. CHEELEY: Repeat the question,
2 please.

3 THE WITNESS: He wants to know why I was
4 in DC on --

5 MR. CHEELEY: Yeah, you can tell him.

6 A. I was invited to a tour.

7 BY MR. CROSS:

8 Q. Tour of what?

9 A. DC.

10 Q. By whom?

11 THE WITNESS: Do I have to say all the
12 names?

13 MR. CHEELEY: Yeah.

14 A. Juliana Thompson.

15 BY MR. CROSS:

16 Q. Who was that?

17 A. Juliana Thompson.

18 Q. Who is that? Who is Juliana Thompson?

19 A. Her name is Juliana Thompson. She's -- she
20 does tours of DC.

21 Q. Why did she invite you to do a tour of DC?

22 A. Because I couldn't go the previous year
23 because we get to see the Christmas trees, and I got
24 to go to the Bible museum. I mean, it was only a
25 two-day thing --

1 Q. Okay.

2 A. -- because of COVID. The previous year
3 they went several days and I couldn't go because it
4 was too expensive.

5 Q. So you went to DC in December 2020 to do a
6 tour?

7 A. Yes.

8 Q. And did you see anyone while you were in DC
9 other than Juliana Thompson?

10 A. The people on the tour.

11 Q. Who was on the tour?

12 A. A lot of people. There were some people I
13 didn't know. There were some people I met.

14 Q. Did you see anyone who was not on the tour
15 with you?

16 A. I don't know what you mean.

17 Q. Did you meet with anyone in DC other than
18 the people who were on the tour with you?

19 A. I'm going to plead the Fifth on that.

20 Q. Okay. Did you speak with Steve Bannon
21 while you were in DC in December of 2020?

22 A. I'm going to plead the Fifth.

23 Q. Okay. All right. I think I'm almost done,
24 Mrs. Latham. Give me just a moment.

25 You said earlier you didn't want to provide

1 Q. You -- strike that.

2 Are you aware of any investigations by the
3 secretary of state into any election issues in
4 Coffee County?

5 A. No, sir.

6 Q. Is it fair to say then that you have never
7 been contacted by anybody working on behalf of the
8 secretary of state involving any investigations
9 about anything to do with elections in Coffee
10 County?

11 A. Can you give me a date, date frame?

12 Q. Calendar year 2020 or later.

13 A. I spoke with two members before the
14 November election.

15 Q. November of what year?

16 A. 2020.

17 Q. What was that -- what were those
18 conversations about?

19 A. About obtaining a new scanner for Coffee
20 County. I talked to Raffensperger and Sterling.

21 Q. You testified a lot about events that
22 happened on January 7th of 2021. Do you recall
23 that?

24 A. Can you say that again?

25 Q. Do you recall testifying earlier about

1 events that occurred on January 7th, 2021?

2 A. Yes.

3 Q. You went through some text messages and
4 talked about meeting Scott Hall at the election
5 office that day. Do you recall that?

6 A. Yes, sir.

7 Q. My understanding is, is that you went to
8 the election office sometime in the early afternoon
9 on that day, were there for a very short period of
10 time and then left around 4:30 or 4:45 I think you
11 said to go have dinner; is that right?

12 A. Yes, sir.

13 Q. Did you go to the county election office at
14 any other time on that day?

15 A. I can't recall.

16 Q. Were you working on that day?

17 A. Yes, sir.

18 Q. And what hours did you work on that day?

19 A. From 8:00 until 3:45. Or 7:45 to 3:45.

20 Q. And from the timeline you gave earlier in
21 your testimony, it would seem that if you would have
22 been at the election office at any other time on
23 that day, it would have been before 7:30 in the
24 morning; is that right?

25 A. Can you repeat that?

1 Q. Sure. I think you said you went earlier,
2 you testified you went to the election office after
3 work; is that right?

4 A. Correct.

5 Q. And you were there a short period of time
6 and left around 4:30 or 4:45 in the afternoon,
7 right?

8 A. Correct.

9 Q. So if you would have been at the election
10 office at any other time, it would have either been
11 before you started working or after you had dinner.
12 Is that fair to say?

13 A. Yes.

14 Q. I mean, would it have been possible for you
15 to go to the election office during work hours?

16 A. I mean, I taught a full schedule, I didn't
17 have a planning period, so I can't remember.

18 Q. Is there any chance you had lunch at the
19 election office or with people from the election
20 office that day?

21 A. No, sir, I only have a 25-minute lunch, or
22 did.

23 Q. Okay.

24 A. And I mean, the high school is in the
25 middle of the county. I mean, it's in the middle of

1 nowhere.

2 Q. So you would have remembered if you were at
3 the county election office before 7:30 in the
4 morning, right?

5 A. Yes, sir.

6 Q. And you would remember if you had dinner
7 with your husband and then went back to the county
8 election office after dinner, right?

9 A. Yes, sir, I think.

10 Q. So it would be --

11 A. I'm hoping I would. I was very tired. I
12 had not had sleep in -- I just know I was extremely
13 tired.

14 Q. Do you have any knowledge about the
15 election server being taken by the secretary of
16 state and replaced?

17 A. Only when I saw it in a newspaper. That's
18 the only knowledge I have when it was mentioned by
19 one of the articles. Don't ask me what article, I
20 don't know.

21 Q. Okay.

22 MR. ABNEY: That's all the questions I
23 have. Thank you very much, Ms. Latham.

24 THE WITNESS: Thank you.

25 MR. CHEELEY: Anyone else?

1 Q. Jeffrey Schoenberg?

2 A. Who?

3 Q. Jeffrey Schoenberg. I may be
4 mispronouncing it.

5 A. No, sir. No, sir.

6 Q. Do you know who the Coalition For Good
7 Governance is?

8 A. Yes, sir.

9 Q. Who do you know as part of the coalition?

10 A. Marilyn Marks.

11 Q. What is your relationship with Ms. Marks?

12 A. I have no relationship with her.

13 Q. How do you know her?

14 A. She was on several Zoom calls, you know,
15 talking about election integrity. She reached out
16 to me. She was able to, you know, give information
17 and stuff, like, you know, she would talk and then
18 she would ask me questions and I would try to answer
19 them to the best of my ability. I mean...

20 Q. Did you only communicate on Zoom calls?

21 THE WITNESS: What did he say?

22 BY MR. PICO-PRATS:

23 Q. Did you only communicate on those Zoom
24 calls?

25 A. Did I something on the Zoom calls?

1 Q. Communicate.

2 A. On one of the Zoom calls I was just a
3 participant. I just was listening because I didn't
4 know what her thing was. And then, you know, she
5 and I would talk on the phone every once in a while,
6 I mean. And then she would ask me questions and I
7 would, like -- I would have no idea. You know, just
8 stuff like that.

9 Q. What would the contents of the
10 communications revolve around?

11 A. A lot of times she would call me and she
12 would say stuff like -- I mean, I can't get specific
13 because I don't remember. But she would be, like,
14 Why are the Republicans doing this?

15 And I'm, like, I don't know. I'm not privy
16 to the politicians.

17 It was like she thought I had some kind of
18 inside track. And I'm, like, I don't know what
19 they're thinking. And then she would want me to get
20 on these, like, secretary of state things, and I
21 only went on one time just so I could hear Misty and
22 whatever she was going to say. But I mean, it was
23 that.

24 I mean, she would often send me stuff to
25 look at, and I would -- most of the time I got tired

1 of it and I would just ignore it.

2 Q. You had mentioned discussions with
3 Ms. Marks in December of 2020. Do you remember
4 that?

5 A. That I had remarks with her?

6 Q. Discussions.

7 A. I wouldn't know when they were. I mean --
8 I mean, I could --

9 Q. Okay.

10 A. I mean, if you have a specific question I
11 can try to answer it.

12 Q. You had discussed it over -- with Mr. Cross
13 earlier that you had a phone conversation in
14 December of 2020 with Ms. Marks.

15 A. I could have, yes. I mean, I could have.
16 I mean, I don't remember exactly.

17 Q. Did you --

18 A. It's possible.

19 Q. Sorry, I didn't mean to interrupt you.

20 Did Ms. Marks speak to you about forensic
21 examination of the Dominion equipment?

22 A. She always said it was impossible. She
23 said a forensic examination -- she would go into
24 this long spiel about how long it would be and all
25 this kind of stuff and it was impossible.

1 Q. She would say it was impossible?

2 A. Yeah, that's the gist I got from her is,
3 yeah, that it was impossible to do a forensic. In
4 other -- and she would clarify it as in the way most
5 people think it would be, like that, you know.

6 I think she thought she had a defin- --
7 it's my opinion, so I can't testify to that. I'm
8 sorry. I had an opinion about it, but no. I can't
9 testify to that.

10 She would remark that it was impossible to
11 do a forensic audit based on what most people were
12 thinking was a forensic audit.

13 Q. Okay. Thank you.

14 Is it your understanding that a forensic
15 examination occurred in Coffee County?

16 A. No, sir.

17 Q. One second. I'm just reviewing my notes.

18 A. Okay.

19 Q. Do you have any personal knowledge of any
20 access to Coffee County equipment by nonelection
21 workers?

22 A. No, sir.

23 Q. You don't have any knowledge of anyone ever
24 attempting to access the Coffee County equipment by
25 any means?

1 THE WITNESS: Did he say DeKalb County?

2 BY MR. PICO-PRATS:

3 Q. Coffee?

4 A. Oh, no, sir.

5 Q. With the text messages that Mr. Cross was
6 showing you earlier, were your communications with
7 Misty Hampton in regards to any access of the
8 election equipment?

9 A. No, sir.

10 MR. PICO-PRATS: That's all the
11 questions I have of you. Thank you very
12 much, ma'am.

13 THE WITNESS: Thank you.

14 MR. CHEELEY: Is that it?

15 MR. CROSS: Just briefly. This is David
16 Cross.

17 FURTHER EXAMINATION

18 BY MR. CROSS:

19 Q. Mrs. Latham, have you withdrawn your -- are
20 you withdrawing your Fifth Amendment invocation in
21 response to any of the questions we asked you today
22 where you invoked the Fifth?

23 THE WITNESS: What does that mean, Bob?

24 MR. CHEELEY: You're not.

25 THE WITNESS: I'm not.

CERTIFICATE

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions and answers were reduced to typewriting under my direction; that the transcript is a true and correct record of the evidence given upon said proceeding.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

I have no relationship of interest in this matter which would disqualify me from maintaining my obligation of impartiality in compliance with the Code of Professional Ethics.

I have no direct contract with any party in this action and my compensation is based solely on the terms of my subcontractor agreement.

Nothing in the arrangements made for this proceeding impacts my absolute commitment to serve all parties as an impartial officer of the court.

This the 11th day of August 2022.

LAURA M. MACKAY, CCR-B-1736